

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
JANUARY 19, 2011 at 7:00 p.m. in the Vernal City Council room, 447 East Main,  
Vernal, Utah 84078.

**PRESENT:** Councilmembers Sonja Norton, Cal Dee Reynolds, JoAnn Cowan and Bert Clark. Councilmember Ted Munford and Mayor Gary Showalter were excused.

**SELECTION OF MAYOR PRO TEMPORE:** Councilmember Bert Clark moved to appoint JoAnn Cowan as the Mayor Pro Tempore for this meeting. Councilmember Sonja Norton seconded the motion. The motion passed with a unanimous vote with Councilmembers Clark, Norton, Cowan and Reynolds voting in favor.

**INVOCATION OR UPLIFTING THOUGHT:** The invocation was given by Councilmember Cal Dee Reynolds.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Councilmember JoAnn Cowan.

**APPROVAL OF CITY COUNCIL MINUTES OF JANUARY 5, 2011:** Councilmember Sonja Norton asked that the minutes clarify the shift in taxes was from where the service is rendered and where items are inventoried. Also, clarify that the uniform allowance for police officers may be taxed. With those corrections, Councilmember Bert Clark moved to approve the minutes of January 5, 2011. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with a unanimous vote with Councilmembers Clark, Reynolds, Norton and Cowan voting in favor.

**FY2010 AUDIT REPORT – DOUG RASMUSSEN:** Councilmember JoAnn Cowan explained that the law requires the City to have the financial books audited each year to make sure the money is being spent in an appropriate way. The CPA firm of Smuin, Rich and Marsing completed that audit for the City and Mr. Rasmussen is here to explain the outcome. Mr. Doug Rasmussen stated that the audit presents a fair financial picture of the City which is a clean opinion. One item that the City will need to keep an eye on is the general fund unreserved balance which cannot exceed 18%, and the budget is reaching that limit. Also, the utility funds operated at a loss during fiscal year 2010. The water department had a \$560,000 loss, the sewer fund had a \$238,000 loss and the solid waste fund had a \$19,000 loss. The City has had losses in the past, however, the Council will need to watch the charges for services to make sure there is enough funds to take care of the operating expenses for these enterprise funds. Councilmember Norton asked what the revenue is for the year. Doug Rasmussen stated that the City had a general fund balance of \$8.5 million dollars and utility fund had a budget of \$3.6 million dollars. The Council thanked Mr. Rasmussen for his report.

**REQUEST OF ASHLEY PARK ESTATES TRUSTEES – BOB DALTON:** Councilmember Cowan explained that this subdivision is located on North Vernal Avenue just north of Ashley Creek. A few years ago, Vernal City became involved in helping this subdivision with a water project. Mr. Bob Dalton, president of the homeowners association for Ashley Park Estates, stated that the reason he is approaching the Council is to request that the remaining ten individual water meters be installed to the first two buildings that have six units each. He noted that 38 meters have already been installed, but these two buildings are still on one meter for each building. Further, Mr. Dalton stated that when this project was started, there were technical concerns that prevented the individual meters from being installed to these buildings. That problem has been solved and new

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pipes to the units have been installed for the individual meters. He requested that either a contractor be hired to install the meters or the City crew install them. Councilmember Cowan asked for clarification if the units were individual. Bob Dalton stated that the units are within one building. He stated that in 1982 when the subdivision was first built, inferior pipe was used which has caused catastrophic leaks throughout the development. Also, the cement slabs were poured over the top of the pipes in the other 38 units. During the reconstruction of the water system, the contract with the City was to put individual meters in. Mr. Dalton stated that it is important to get these units on their own meter system for the integrity of the system. He stated that the homeowners association cannot be obligated for any water loss because of these failing lines after May of this year. Councilmember Cowan stated that the public works staff will need to bring a recommendation to the Council before a decision can be made. Mr. Dalton asked that the Council to also review the contract as there is still one building that is receiving water from a 3/4" line which is in the same ditch as the sewer line. After discussion, the consensus of the Council was to ask the Public Works Committee to bring back a recommendation. Mr. Charles Lee asked if there was a contingency plan if there are any more catastrophic leaks in the future. Mr. Dalton stated that the substandard pipes have been eliminated so there should not be any more major leaks. Mr. Dalton stated that the homeowners would also like to ask that the City prepare the assessment cost for the water system repairs within a reasonable time frame, such as 30 days. He stated there are residents that would like to sell their units, and they need to know the cost for the water line. Ken Bassett explained that right now the staff can prepare estimates only because the special assessments have not been finalized in light of the litigation with the contractor. The bonding attorney insists that situation be resolved first. Mr. Dalton stated that no individual homeowner should be responsible for more than what was tabulated at the time of installation. The Council indicated they would get back with Mr. Dalton.

**PUBLIC HEARING: REQUEST FOR SUBDIVISION APPROVAL FOR PROPERTY AT 100 EAST 860 SOUTH (2010-022MSP/SUB VIC CONDIE) – TABLED:** Allen Parker explained that after the public hearing was advertised, the developer withdrew his application, therefore, the public hearing is not necessary.

**DISCUSSION FOR ORDINANCE NO. 2011-03 PLANNING & ZONING CODE:** Allen Parker explained that this ordinance addresses concerns with multi-family complexes and conflicts within the City code. He stated that feed back is needed from the Council before moving ahead with scheduling a public hearing. Ken Bassett explained that this code change will affect the Vernal Gardens workforce housing development which is currently under construction. Allen Parker explained that Section 16.20 of the planning and zoning code addresses group dwellings and outlines the set back and spacing regulations for apartment complex type developments. However, the fire code already has requirements for these issues that are fairly complex. Also, the code requires these types of developments to be built as a planned residential unit development (PRUD), even though the property is not being divided. Mr. Parker explained that a PRUD also requires a conditional use permit which has different standards in each zone. There was some discussion regarding the enforcement of the conditions. Allen Parker stated that the Planning Commission is interested in repealing Section 16.20. Councilmember Cowan noted that the simple explanation is that this section is in odds with other sections of the code, specifically the fire code. Allen Parker answered yes. Ken Bassett explained that as the staff looks at the separation requirements between buildings, several codes need to be reviewed, and the City code is above and beyond the fire code. After discussion, the consensus of the Council was to have the Planning Commission look at simply requiring the fire code standards. Mr. Chris Cave, with the Vernal Gardens development, explained

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that he checked with different cities within Utah and most of them do adhere to the fire code. Ken Bassett stated that the Planning Commission will forward a final recommendation to the City Council.

**REQUEST FOR APPROVAL OF AMENDMENT TO VERNAL CITY PERSONNEL POLICIES AND PROCEDURES, ADDING OFFICE DÉCOR / APPEARANCE POLICY – RESOLUTION NO. 2011-02:**

Councilmember Cowan explained that the new City Hall building is being constructed across the street from the current building, and this resolution will regulate how employees can decorate their offices. She explained that as the Council toured other City buildings, many of the offices were decorated like grandmothers living room which caused concern. Ken Bassett stated that there is an expectation of professionalism, and this policy follows that philosophy. The employees will be allowed to display posters, certificates or art work which reflect a professional image for the City. No items that have racial or ethnic undertones, are sexually explicit, or have religious or political messages will be allowed. A student from Uintah High School asked if the employees can display items to celebrate Hanukkah, Christmas or other religious holidays. Ken Bassett stated those displays will be allowed as long as they remain professional and appropriate. Further, Ken explained that live or artificial plants will need approval from the facilities maintenance manager to make sure they do not create a problem such as water damage or other damage to furniture or carpet. Also, open flames, candles and incense will be prohibited. Councilmember Cowan stated those items are against fire code. Ken Bassett stated that trophy mounts or taxidermy items will also be prohibited. It was asked if these rules apply to the public works building also. Ken Bassett stated that these regulations are intended for the new building, but any existing décor will be allowed to remain at public works. Ken Bassett stated that another item being addressed is the general maintenance and appearance of the individual offices. Each employee will be required to empty their trash, vacuum and dust their office area. After discussion, the consensus of the Council was that it was unrealistic to have the employees vacuum the floors. Councilmember Cowan stated that once the building is occupied, the custodial staff will have a better handle on the amount of time needed to clean the public areas. Ken Bassett stated that one clarification that needs to be added to the resolution is the number of items placed in the office. If the walls are plastered with items, that will also take away from the professionalism of the building. After further discussion, Councilmember Bert Clark moved to approve Resolution No. 2011-02 without requiring the employees to vacuum their areas and adding the clarification on the number of items allowed. Councilmember Sonja Norton seconded the motion. The motion passed with a unanimous vote with Councilmembers Clark, Norton, Cowan and Reynolds voting in favor.

**CONVENE INTO CLOSED SESSION:** Councilmember Cal Dee Reynolds moved to convene into closed session to hold a strategy session to discuss pending or imminent litigation. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

- Councilmember Clark..... aye;
- Councilmember Norton ..... aye;
- Councilmember Reynolds..... aye;
- Councilmember Cowan ..... aye.

**RECONVENE INTO OPEN SESSION:** Mayor Pro Tempore JoAnn Cowan declared the meeting out of closed session.

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**ADMINISTRATIVE REPORTS:**

New City Hall:

Ken Bassett explained that it will be at least another month before the construction is completed and then there needs to be a flush out period as part of the LEED requirement. Also, there will be some landscaping items that cannot be completed until spring. The first punch list for the 2<sup>nd</sup> floor has been completed along with an inspection of the furniture that has been delivered, and many problems need to be corrected. Councilmember Cowan suggested the open house for the building be held in April, and the employees be in their areas to explain to the public what their jobs are.

**ADJOURN:** There being no further business, Councilmember Cal Dee Reynolds moved to adjourn. Councilmember Bert Clark seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.

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Mayor Pro Tempore JoAnn Cowan

ATTEST:

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Roxanne Behunin, Deputy Recorder

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